



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

AF/1641
#26 135
9/22/04
NW
JUL 26 2004
TECH CENTER 1600/2900

In re application of

Stan Cipkowski

Serial No. 08/981,665

Group Art Unit 1641

Filed: November 5, 1997

Examiner J. Grun

For: DEVICE FOR THE COLLECTION, TESTING,
AND SHIPMENT OF BODY FLUID SAMPLES

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

Sir:

A decision of the Board of Patent Appeals and Interferences issued March 31, 2003 (Appeal No. 2001-2522) vacated the rejection of record and remanded this case to the Examiner to construe the limitations of the claims and take whatever action is appropriate in view of that claim construction. (First page of decision attached)

As of this date, the undersigned has not received any word of any action taken by the Examiner.

Please advise the undersigned as to the status of this case.

Respectfully submitted,

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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JUL 26 2004
TECH CENTER 1600/2900

Ex parte STAN CIPKOWSKI

Appeal No. 2001-2522
Application No. 08/981,665

ON BRIEF

MAILED

MAR 31 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before ADAMS, MILLS, and GRIMES, Administrative Patent Judges.

GRIMES, Administrative Patent Judge.

VACATUR AND REMAND

This appeal involves the examiner's rejection of claims 16-19, all of the claims remaining. Claim 16 is representative and reads as follows:

16. A drug of abuse immunoassay test card for testing of fluid samples in a container having an open top and comprising a thin flat member having a rectangular outline and having front and rear surfaces, said thin flat member having a longitudinal dimension extending between top and bottom ends defining a length and having a width less than said length, and being shaped to be insertable longitudinally into a container to contact a fluid sample therein, one or more immunoassay test strips each having thereon immunoassay means to visually indicate presence or absence of a selected drug of abuse disposed longitudinally side-by-side in parallel within said thin flat member and enclosed between said front and rear surfaces, each said one or more test strips having a bottom end defining a sample receiving portion and further having a test portion spaced longitudinally therefrom wherein, in use, the fluid sample moves by capillary action to the test portion at which the presence or absence of the

